

Director's Instruction

Number 04-019

Title: RCRA Compliance Improvement

Summary:

This instruction directs Los Alamos National Laboratory (LANL) divisions to take specific actions to improve our Resource Conservation and Recovery Act (RCRA) compliance. These actions support LANL's goal of being removed from the Environmental Protection Agency's (EPA) "Significant Non-Complier List."

Applicability:

This instruction applies to all LANL organizations that generate or manage RCRA-regulated waste, and provides specific direction to all division-level managers. Although this instruction does not provide direction to LANL subcontractors, while working here they are subject to the same hazardous waste management requirements as LANL, and LANL organizations will be held accountable for the on-site RCRA performance of their subcontractors. This instruction augments [LIR 404-00-03, *Hazardous and Mixed Waste Requirements*](#); see that document for LANL requirements and definitions of RCRA wastes. See [LIR 307-01-05, *Issues Management Program*](#), for a discussion on corrective actions.

Justification:

The purpose of this instruction is to improve LANL compliance with federal and state requirements for implementing RCRA. The University of California (UC) has been assessed significant penalties for RCRA violations incurred by operations at LANL. I expressed my concern about RCRA compliance, and my expectations for LANL performance, in a memorandum to Leaders, [DIR 04-130, *Environmental Compliance*](#), April 16, 2004.

The EPA and New Mexico Environment Department (NMED) have assessed over \$5 million in penalties against UC operations at LANL during the past 13 years, often for easily preventable regulatory violations. Under our prime contract, penalties assessed against UC for environmental violations are non-allowable costs. Repeated violations of the same type are subject to escalated penalty amounts, and an individual who knowingly violates RCRA may be subject to criminal prosecution. Furthermore, EPA has designated LANL as a "Significant Non-Complier," a designation that is harmful to the Laboratory's reputation. Our goal is to achieve sustained compliance, and be removed from that list.

Instruction:

This instruction serves to partially implement certain actions from the July 2004 Corrective Action Plan regarding RCRA compliance (*LANL Investigation of Recurring RCRA Compliance Orders, Corrective Action Plan*). I distributed the Corrective Action Plan through my memorandum to distribution, DIR-04-246, *Implementation of Laboratory Corrective Actions to Improve Hazardous Waste Compliance*, July 22, 2004. The plan and my cover memorandum give both general and specific actions for RCRA performance improvements at LANL. This instruction implements certain of those actions through the following directions to division-level managers.

1. Division-level managers. All LANL division-level managers are instructed to take the following actions pertaining to workers and activities within their organization.

- Include standard Individual Performance Objectives for environment compliance in employees' performance plan (see Attachment 1), starting with the 2004-2005 performance year. See also my July 22, 2004, memorandum.
- Ensure that waste generator overview training is included as an element in the formal training plan for every worker who is responsible for a work activity that may generate hazardous waste.
- Ensure that every work proposal submitted after December 1, 2004, includes environmental compliance costs, including life cycle costs for project close-out, such as waste disposition, equipment disposition, and work area remediation.
- To ensure that hazardous wastes are properly handled, evaluate division inventories of chemicals, materials, and equipment and determine what items are excess.
- By December 20, 2004, either dispose of excess items or prepare a resource-loaded plan for their disposal. Report disposal progress and remaining inventory of excess items in division quarterly self-assessment reports, with RCRA compliance issues specifically identified.

2. Significant waste-generator divisions. Some LANL divisions generate a significant amount of hazardous waste. These are: B, C, ESA, FWO (including KSL), LANSCE, MSM, MST, NMT, N, and P. Division leaders for these divisions are instructed to do the following.

- Identify Waste Management Coordinators (WMCs) if not already done.
- By December 1, 2004, complete formal service agreements with WMCs to define roles and responsibilities of the WMC and the waste generator (division or lower-level organization).
- Address waste generation issues raised by WMCs through the nested safety committee process; WMCs may notify division managers of issues at any time.
- Starting with the end of the first quarter, FY05, document in division quarterly self-assessments waste generation issues, actions taken, and results.

3. Divisions with high RCRA finding rates. Division leaders for divisions with a RCRA finding rate of greater than 2% for the fiscal-year-to-date must do the following. These actions may be discontinued for new RCRA findings after the finding rate drops below 2% for two successive quarters.

- Perform and document a root cause analysis for each finding (see [LIR 307-01-05](#)).
- Develop and issue a corrective action plan to address root causes.
- Formally enter corrective actions into I-Track (see [LIR 307-01-05](#)).
- For each finding, by November 1, 2004, provide root cause analyses, action plans, and I-Track item listings to their Associate Director (AD) and forward a copy to the secretary of the Director's Central Safety and Security Committee (DCSSC).
- Starting with the end of the first quarter, FY05, provide to their AD a quarterly briefing on progress towards actions and RCRA compliance.
- Starting with the end of the first quarter, FY05, as scheduled on the meeting agenda, provide the Director with RCRA updates at DCSSC meetings until all actions are completed.

4. Variance. Any variance from this instruction may be requested only for compelling programmatic reasons. Requests, including justification of compelling reasons, must be submitted in writing to the Associate Director for Operations (ADO), and approved in writing by ADO before the variance is implemented.

Contact: SWRC Group, MS K-490, 7-0666

See also <http://swrc.lanl.gov/>

Reviewed by the Policy Office Name M. Diana Webb	Signature Signature on File	Date 09/10/2004
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Issued by the Director George P. Nanos	Signature Signature on File	Date 09/14/2004
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This instruction will remain in effect until this information is included in the relevant implementing document or otherwise rescinded.

Director's Instruction 04-019

RCRA Compliance Improvement

Attachment 1

Individual Performance Objectives for RCRA and Hazardous Waste Generation

The following Individual Performance Objectives (IPOs) will be used starting with the 2004-2005 performance assessment year. These IPOs will be incorporated in the IPOs of ADs and Division Leaders. ADs and Division Leaders will ensure that these objectives flow down through subordinate managers to the worker level as appropriate. (See DIR 04-246, July 22, 2004.) Every employee at LANL uses some amount of hazardous materials in performing work, although this use may be minimal.

1. IPOs – Required for ADs and Division Leaders

These IPOs will be used for all ADs and Division Leaders.

- **Associate Directors:** Monitor all hazardous waste activities within the directorate for RCRA compliance. Ensure that effective management systems are in place to foster long-term RCRA compliance.
- **Division Leaders:** Understand what activities within the division are subject to RCRA compliance. Establish an effective environmental management system that monitors and improves RCRA compliance within the division (see ems.lanl.gov). Provide adequate resources (funding, personnel, equipment) to enable that management system to succeed at all levels of the division. Ensure that waste generator overview training is included in the formal training plan for any employee who may generate hazardous waste.

2. IPOs – Required for Applicable Group Leaders and Non-management Employees

These IPOs will be used for Group Leaders and non-management employees involved in generation, storage, or handling of hazardous waste and other activities subject to RCRA compliance. These IPOs may be used as a guide for other types of employees to ensure consistency across the institution.

- **Group Leaders:** Understand what activities within the organization are subject to RCRA compliance. Monitor all hazardous waste activities within the group for RCRA compliance. Ensure that workers involved with hazardous waste activities and RCRA compliance have received RCRA and waste generator training appropriate to their work responsibilities.
- **Employees:** Understand and comply with RCRA and hazardous waste requirements appropriate to assigned work activities. Complete RCRA and waste generator training.